

sion or any other person to use alternative methods for detecting lead as a screening method to determine whether further testing or action is needed.

**(g) Treatment as a regulation under the FHSA**

Any ban imposed by subsection (a) or rule promulgated under subsection (a) or (b) of this section, and section 1303.1 of title 16, Code of Federal Regulations (as modified pursuant to subsection (f)(1) or (2)), or any successor regulation, shall be considered a regulation of the Commission promulgated under or for the enforcement of section 2(q) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)).

(Pub. L. 110-314, title I, §101, Aug. 14, 2008, 122 Stat. 3017; Pub. L. 112-28, §1, 10(b), Aug. 12, 2011, 125 Stat. 273, 283.)

REFERENCES IN TEXT

The Federal Hazardous Substances Act, referred to in subsec. (a)(1), is Pub. L. 86-613, July 12, 1960, 74 Stat. 372, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1261 of this title and Tables.

The Consumer Product Safety Act, referred to in subsec. (c), is Pub. L. 92-573, Oct. 27, 1972, 86 Stat. 1207, which is classified generally to chapter 47 (§2051 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2051 of this title and Tables.

This Act, referred to in subsec. (e)(3), is Pub. L. 110-314, Aug. 14, 2008, 122 Stat. 3016, known as the Consumer Product Safety Improvement Act of 2008. For complete classification of this Act to the Code, see Short Title of 2008 Amendment note set out under section 2051 of this title and Tables.

CODIFICATION

Section was enacted as part of the Consumer Product Safety Improvement Act of 2008, and not as part of the Federal Hazardous Substances Act which comprises this chapter.

AMENDMENTS

2011—Subsec. (a)(1). Pub. L. 112-28, §10(b), substituted “(as defined in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)))” for “(as defined in section 3(a)(16) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(16)))”.

Subsec. (a)(3). Pub. L. 112-28, §1(a), added par. (3).

Subsec. (b)(1). Pub. L. 112-28, §1(b)(1), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: “The Commission may, by regulation, exclude a specific product or material from the prohibition in subsection (a) if the Commission, after notice and a hearing, determines on the basis of the best-available, objective, peer-reviewed, scientific evidence that lead in such product or material will neither—

“(A) result in the absorption of any lead into the human body, taking into account normal and reasonably foreseeable use and abuse of such product by a child, including swallowing, mouthing, breaking, or other children’s activities, and the aging of the product; nor

“(B) have any other adverse impact on public health or safety.”

Subsec. (b)(2)(A). Pub. L. 112-28, §1(b)(2), substituted “include” for “include to.”.

Subsec. (b)(5) to (8). Pub. L. 112-28, §1(b)(3), added pars. (5) to (7) and redesignated former par. (5) as (8).

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112-28, §11, Aug. 12, 2011, 125 Stat. 283, provided that: “Except as provided otherwise, the amend-

ments made by this Act [amending this section and sections 2055a, 2056a, 2056b, 2057c, 2063, 2068, and 2076 of this title and enacting provisions set out as a note under section 2089 of this title] shall take effect on the date of enactment of this Act [Aug. 12, 2011].”

DEFINITION

For definition of “Commission” used in this section, see section 2(a) of Pub. L. 110-314, set out as a note under section 2051 of this title.

**CHAPTER 31—DESTRUCTION OF PROPERTY MOVING IN COMMERCE**

**§§ 1281, 1282. Repealed. Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379**

Section 1281, Pub. L. 87-221, §1, Sept. 13, 1961, 75 Stat. 494, related to willful destruction or injury, or attempted destruction or injury, of property moving in interstate or foreign commerce in possession of common or contract carriers, penalties for such acts, and proof of interstate or foreign nature of property. See section 80501 of Title 49, Transportation.

Section 1282, Pub. L. 87-221, §2, Sept. 13, 1961, 75 Stat. 494, provided that judgment of conviction or acquittal on merits under laws of any State or possession, District of Columbia, or Puerto Rico, was bar to prosecution under this chapter for same acts. See section 80501 of Title 49.

**CHAPTER 32—TELECASTING OF PROFESSIONAL SPORTS CONTESTS**

Sec.

1291. Exemption from antitrust laws of agreements covering the telecasting of sports contests and the combining of professional football leagues.

1292. Area telecasting restriction limitation.

1293. Intercollegiate and interscholastic football contest limitations.

1294. Antitrust laws unaffected as regards to other activities of professional sports contests.

1295. “Persons” defined.

**§ 1291. Exemption from antitrust laws of agreements covering the telecasting of sports contests and the combining of professional football leagues**

The antitrust laws, as defined in section 1 of the Act of October 15, 1914, as amended (38 Stat. 730) [15 U.S.C. 12], or in the Federal Trade Commission Act, as amended (38 Stat. 717) [15 U.S.C. 41 et seq.], shall not apply to any joint agreement by or among persons engaging in or conducting the organized professional team sports of football, baseball, basketball, or hockey, by which any league of clubs participating in professional football, baseball, basketball, or hockey contests sells or otherwise transfers all or any part of the rights of such league’s member clubs in the sponsored telecasting of the games of football, baseball, basketball, or hockey, as the case may be, engaged in or conducted by such clubs. In addition, such laws shall not apply to a joint agreement by which the member clubs of two or more professional football leagues, which are exempt from income tax under section 501(c)(6) of the Internal Revenue Code of 1986 [26 U.S.C. 501(c)(6)], combine their operations in expanded single league so exempt from income tax, if such agreement increases rather than decreases the number of professional football clubs so operating, and the provisions of which are directly relevant thereto.

(Pub. L. 87-331, §1, Sept. 30, 1961, 75 Stat. 732; Pub. L. 89-800, §6(b)(1), Nov. 8, 1966, 80 Stat. 1515; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095.)

## REFERENCES IN TEXT

The Federal Trade Commission Act, referred to in text, is act Sept. 26, 1914, ch. 311, 38 Stat. 717, as amended, which is classified generally to subchapter I (§41 et seq.) of chapter 2 of this title. For complete classification of this Act to the Code, see section 58 of this title and Tables.

## AMENDMENTS

1986—Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

1966—Pub. L. 89-800 extended exemption from anti-trust laws to include a joint agreement by which the member clubs of two or more professional football leagues combine their operations in an expanded single league.

## SHORT TITLE

Pub. L. 87-331, Sept. 30, 1961, 75 Stat. 732, as amended, which enacted this chapter, is popularly known as the Sports Broadcasting Act of 1961.

## SAVINGS PROVISION

Section 6 of Pub. L. 87-331 provided that: “Nothing in this Act [this chapter] shall affect any cause of action existing on the effective date hereof [Sept. 30, 1961] in respect to the organized professional team sports of baseball, football, basketball, or hockey.”

**§ 1292. Area telecasting restriction limitation**

Section 1291 of this title shall not apply to any joint agreement described in the first sentence in such section which prohibits any person to whom such rights are sold or transferred from televising any games within any area, except within the home territory of a member club of the league on a day when such club is playing a game at home.

(Pub. L. 87-331, §2, Sept. 30, 1961, 75 Stat. 732; Pub. L. 89-800, §6(b)(2), Nov. 8, 1966, 80 Stat. 1515.)

## AMENDMENTS

1966—Pub. L. 89-800 substituted “described in the first sentence of such section” for “described in such section”.

**§ 1293. Intercollegiate and interscholastic football contest limitations**

The first sentence of section 1291 of this title shall not apply to any joint agreement described in such section which permits the telecasting of all or a substantial part of any professional football game on any Friday after six o'clock post-meridian or on any Saturday during the period beginning on the second Friday in September and ending on the second Saturday in December in any year from any telecasting station located within seventy-five miles of the game site of any intercollegiate or interscholastic football contest scheduled to be played on such a date if—

(1) such intercollegiate football contest is between institutions of higher learning both of which confer degrees upon students following completion of sufficient credit hours to equal a four-year course, or

(2) in the case of an interscholastic football contest, such contest is between secondary schools, both of which are accredited or cer-

tified under the laws of the State or States in which they are situated and offer courses continuing through the twelfth grade of the standard school curriculum, or the equivalent, and

(3) such intercollegiate or interscholastic football contest and such game site were announced through publication in a newspaper of general circulation prior to August 1 of such year as being regularly scheduled for such day and place.

(Pub. L. 87-331, §3, Sept. 30, 1961, 75 Stat. 732; Pub. L. 89-800, §6(b)(3), Nov. 8, 1966, 80 Stat. 1515.)

## AMENDMENTS

1966—Pub. L. 89-800 substituted “The first sentence of section 1291 of this title” for “Section 1291 of this title” at beginning of section, extended limitation granted for football contests on game sites located within 75 miles of telecasting stations to include interscholastic contests, redesignated cl. (2) as (3), added a new cl. (2), and, in cl. (3) as so redesignated, substituted “newspaper of general circulation prior to August 1” for “daily newspaper of general circulation prior to March 1” as description of the type newspaper required for the announcement of the game site of intercollegiate or interscholastic football games.

**§ 1294. Antitrust laws unaffected as regards to other activities of professional sports contests**

Nothing contained in this chapter shall be deemed to change, determine, or otherwise affect the applicability or nonapplicability of the antitrust laws to any act, contract, agreement, rule, course of conduct, or other activity by, between, or among persons engaging in, conducting, or participating in the organized professional team sports of football, baseball, basketball, or hockey, except the agreements to which section 1291 of this title shall apply.

(Pub. L. 87-331, §4, Sept. 30, 1961, 75 Stat. 732.)

**§ 1295. “Persons” defined**

As used in this chapter, “persons” means any individual, partnership, corporation, or unincorporated association or any combination or association thereof.

(Pub. L. 87-331, §5, Sept. 30, 1961, 75 Stat. 732.)

**CHAPTER 33—BRAKE FLUID REGULATION****§§ 1301 to 1303. Repealed. Pub. L. 89-563, title I, § 117(a), Sept. 9, 1966, 80 Stat. 727**

Sections, Pub. L. 87-637, §§1-3, Sept. 5, 1962, 76 Stat. 437, provided for promulgation of standards for hydraulic brake fluid used in motor vehicles and set the penalty for the unlawful sale, importation, or introduction into commerce of fluid not meeting the published standards. See chapter 38 (§1381 et seq.) of this title.

## SAVINGS PROVISION

Pub. L. 89-563, title I, §117(b)–(e), Sept. 9, 1966, 80 Stat. 727, provided that persons willfully violating sections 1301 to 1303 and 1321 to 1323 of this title would be punished in accordance with provisions of laws in effect on date of violation, prior to repeal by Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379.

**CHAPTER 34—ANTITRUST CIVIL PROCESS**

Sec.  
1311. Definitions.